

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-	)	
LEVEL PAP, AND MECHANICAL	)	
VENTILATOR PRODUCTS LITIGATION,	)	Master Docket: Misc. No. 21-mc-1230-JFC
	)	MDL No. 3014
	)	
This Document Relates to: All Actions	)	
Asserting Economic Loss Claims	)	
	)	

**SETTLEMENT CLASS COUNSEL’S  
MOTION FOR AN AWARD OF ATTORNEYS’ FEES, COSTS, AND EXPENSES  
AND FOR SERVICE AWARDS TO SETTLEMENT CLASS REPRESENTATIVES**

The undersigned Settlement Class Counsel, on behalf of all Fee Applicants,<sup>1</sup> hereby respectfully move the Court for an Order approving: (1) a combined fee and cost award of \$95 million (\$94,428,625.62 in attorneys’ fees and \$571,374.38 in common benefit Held Cost reimbursements); and (2) service awards of \$5,000 each to the five Settlement Class Representatives: Elizabeth Heilman; Ivy Creek of Tallapoosa LLC d/b/a Lake Martin Community Hospital; Peter Barrett; Julie Barrett; and ASEA/AFSCME Local 52 Health Benefits Trust.

In support of this Motion, Settlement Class Counsel submit their accompanying Brief.

Settlement Class Counsel respectfully request that their Motion be granted, and the Court enter the proposed Order attached hereto.

---

<sup>1</sup> Fee Applicants refers to Participating Counsel (as defined in PTO 13), that incurred and reported common benefit time during the relevant period—from inception through May 24, 2023, when the Economic Loss Class Settlement Term Sheet was executed, and time spent on the Settlement thereafter until July 31, 2023.

Dated: January 8, 2024

Respectfully submitted,

/s/ Kelly K. Iverson

Kelly K. Iverson  
**Lynch Carpenter, LLP**  
1133 Penn Avenue, 5th Floor  
Pittsburgh, PA 15222  
412-322-9243  
kelly@lcllp.com

/s/ Christopher A. Seeger

Christopher A. Seeger  
**Seeger Weiss LLP**  
55 Challenger Road 6th Floor  
Ridgefield Park, NJ 07660  
212-584-070  
cseeger@seegerweiss.com

/s/ Steven A. Schwartz

Steven A. Schwartz  
**Chimicles Schwartz Kriner & Donaldson-Smith LLP**  
361 West Lancaster Avenue One Haverford  
Centre Haverford, PA 1904  
610-642-8500  
steveschwartz@chimicles.com

/s/ Sandra Duggan

Sandra Duggan  
**Levin Sedran & Berman**  
510 Walnut Street  
Ste 500  
Philadelphia, PA 19106  
215-592-1500  
sduggan@lfsblaw.com

*Plaintiffs' Co-Lead Counsel / Settlement Class Counsel*

/s/ Roberta D. Liebenberg

Roberta D. Liebenberg (Chair)  
**Fine, Kaplan and Black, R.P.C.**  
One South Broad Street, 23<sup>rd</sup> Floor  
Philadelphia, PA 19107  
(215) 567-6565 (phone)  
rliebenberg@finekaplan.com

/s/ Lisa Ann Gorshe

Lisa Ann Gorshe (Vice Chair)  
**Johnson Becker PLLC**  
444 Cedar Street, Suite 1800  
Saint Paul, MN 55101  
(612) 436-1852 (phone)  
lgorshe@johnsonbecker.com

/s/ Arthur H. Stroyd, Jr.

Arthur H. Stroyd, Jr. (Vice Chair)  
**Del Sole Cavanaugh Stroyd LLC**  
3 PPG Place, Suite 600  
Pittsburgh, PA 15222  
(412) 261-2172 (phone)  
astroyd@dscslaw.com

*Settlement Committee / Settlement Class Counsel*

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire  
**ROBERT PEIRCE & ASSOCIATES, P.C.**  
707 Grant Street, Suite 125

Peter St. Tienne Wolff, Esquire  
**PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP**  
One Oxford Centre - 38th Floor  
Pittsburgh, PA 15219

Pittsburgh, PA 15219  
(412) 281-7229 (phone)  
(412) 281-4229 (fax)  
[arihn@peircelaw.com](mailto:arihn@peircelaw.com)

(412) 263-2000 (phone)  
(412) 263-2001 (fax)  
[psw@pietragallo.com](mailto:psw@pietragallo.com)

*Plaintiffs' Co-Liaison Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 8th day of January 2024, and is available for download by all counsel of record.

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire

PA I.D. No.: 85752

ROBERT PEIRCE & ASSOCIATES, P.C.

707 Grant Street

Suite 125

Pittsburgh, PA 15219

Tel: 412-281-7229

Fax: 412-281-4229

arihna@peircelaw.com